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Committee on Relations with the Host Country

Letter dated 10 August 2001 from the Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

Enclosed please find the text of a note verbale dated 9 August 2001 from the Permanent Mission of the Republic of Cuba to the United Nations addressed to the United States Mission to the United Nations regarding the disruption of the normal and full functioning of the Mission of Cuba to the United Nations caused by the restraining notice against the bank accounts of the Permanent Mission of Cuba at the Chase Manhattan Bank in New York issued in *Martínez v. Republic of Cuba*, Index No. 111427-01 (see annex).

The Cuban Mission strongly protests against this illegal action in violation of its diplomatic immunities and privileges and demands that the host country authorities, in compliance with their legal obligations, immediately remove the aforesaid restraining notice and any other restriction on the bank operations of the Cuban Mission and re-establish the conditions for full and normal functioning of the accounts, taking all measures necessary to do so.

The Permanent Mission of Cuba requests that a meeting of the Committee on Relations with the Host Country be urgently convened to deal with this serious matter.

I kindly request that the present letter and its annex be circulated as an official document of the Committee on Relations with the Host Country.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(*Signed*) Bruno Rodríguez **Parrilla**
Ambassador

* Reissued for technical reasons.

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Annex to the letter dated 10 August 2001 from the Mission of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country

The Permanent Mission of the Republic of Cuba to the United Nations presents its compliments to the United States Mission to the United Nations and expresses its strongest protest at the disruption of the normal functioning of the Permanent Mission of Cuba, caused by the restraining notice against the bank accounts of the Permanent Mission of Cuba at the Chase Manhattan Bank in New York issued in *Martínez v. Republic of Cuba*, Index No. 111427-01.

The Permanent Mission of Cuba has been informed by Rabinowitz, Boudin, Standard, Krinsky and Lieberman, P.C. — the law firm representing the Cuban Mission — that they were advised by the United States Attorney's Office in New York that a "restraining notice" had been served on Chase Manhattan Bank to restrain the transfer of any funds in the accounts of the Cuban Mission to the United Nations. As served on Chase Manhattan Bank, the restraining notice prohibits Chase, under penalty of law, from transferring any funds in the Mission accounts and from honouring checks drawn on the Mission accounts.

The Cuban Mission strongly protests against this illegal action in violation of its diplomatic immunities and privileges and aimed at preventing the Cuban Mission from functioning normally.

The Cuban Mission to the United Nations enjoys the privileges and immunities provided under the Vienna Convention on Diplomatic Relations, which is applicable to missions to the United Nations under the terms of the United Nations Headquarters Agreement. The funds of the Cuban Mission are immune from restraint under the Vienna Convention.

The Government of the United States of America, under the Vienna Convention on Diplomatic Relations and under the United Nations Headquarters Agreement, has the legal obligation to guarantee full and unrestricted exercise of the immunities and privileges that these legal instruments grant the Cuban Mission, as well as to accord and prevent any impairment of full facilities for the performance of the functions of the Mission.

The Cuban Mission accounts identified with the numbers 015001369 and 015003116 at Chase Manhattan Bank are used exclusively for the official operations of the Permanent Mission.

The Cuban Mission demands that the host country authorities, in compliance with their legal obligations, immediately remove the aforesaid restraining notice and any other restriction on the bank operations of the Cuban Mission and re-establish the conditions for the full and normal functioning of the accounts, taking all measures necessary to do so.

This impairment of the privileges and immunities of the Cuban Mission and denial of full facilities for its functioning, and any further disruption caused thereby, is the full and exclusive responsibility of the host country authorities.

The Permanent Mission of Cuba to the United Nations renews to the United States Mission to the United Nations the assurances of its highest consideration.